

REMARKS

Claims 5, 8, 9, 11, and 14-24 are presently examined in this application. Claims 5, 8, 11, and 14 are independent claims. Claims 19-24 have been added.

§ 102(b) – Wash

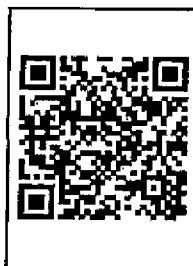
Claims 5, 11, 14, and 15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,974,096 (Wash). Applicants respectfully traverse this rejection.

Embodiments of the present invention covered by claim 5 are directed to a cellular phone comprising a code reading terminal including an imaging device, a data identifying unit, and a control unit.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. Dismissed, 468 U.S. 1228 (1984); W.L. Gore and Assoc., Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. Denied, 469 U.S. 851 (1984).

The rejection does not address the claimed “cellular phone” element that is explicitly recited in the claim. Furthermore, Applicants submit that Wash does not disclose a cellular phone. For at least these reasons, the rejection of claim 5 fails to establish *prima facie* anticipation and must be withdrawn.

In addition, claim 5 requires “a code reading terminal including an imaging device for imaging encoded data including a header portion and a body portion, said header portion including a data identifier indicating the type of data in the body portion.” An example imaging device disclosed in the present application is a camera 21 for imaging encoded data such as



Within this image of encoded data is a header portion and a body portion

The Office Action alleges that Wash's camera 200 for reading a track 600 that includes an ID code 625 (header) teaches the claimed "imaging device for imaging encoded data including a header portion and a body portion, said header including a data identifier indicating the type of data in the body portion." Applicants submit that Wash's camera 200 does not perform imaging of the ID code 625.

Instead, Wash teaches recording information in a transparent magnetic layer 120 of a film strip 100 (see col. 8, lines 45-49). Information in the transparent magnetic layer 120 is recorded using a magnetic read/write head 210. The transparent magnetic layer can include an ID code that represents a type of display instruction. The type of display instruction can include rotate, crop, zoom, fade, character superposition and/or display duration (col. 14, lines 2-6).

I.D. CODE	TYPE OF DISPLAY INSTRUCTION
KA	ZOOM
KB	CROP
KC	ROTATE
KD	DURATION
KE	SEQUENCE
KF	FADE

Applicants submit that reading magnetic information by a magnetic read/write head does not constitute “imaging” encoded data as would be understood by one of ordinary skill in the art, at least because the magnetic layer is “transparent.” Furthermore, Applicants submit that all display instructions are all of the same data type. Thus, the ID code does not indicate the type of data.

In order to clarify the intended meaning of “imaging encoded data,” claim 5 has been amended to recite “an imaging device for optically imaging encoded data.” Applicants submit that Wash’s magnetic read/write head for recording magnetic information does not constitute an imaging device for optically imaging encoded data.

Furthermore, Wash does not disclose recognizing a data identifier in optically imaged encoded data.

A similar amendment has been made to claims 11 and 14.

Applicants request that the rejection be reconsidered and withdrawn based on the claims as amended.

§ 103(a) – Kokai, Wash

Claims 8, 9, and 16-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2002-125008 (Kokai) in view of Wash.

Claim 8 requires, among other things, “a data identifier unit for recognizing the data identifier and identifying the data type of the encoded data imaged by the imaging unit based on the recognized data identifier.”

This feature is disclosed in Figure 8, which shows a two-dimensional code-reading process (e.g. two-dimensional code in Fig. 7), and Figure 4, which shows analyzing the data identifier in the read code for determining if a symbol “00” or “ff” is present.

The rejection does not address this claimed element. Also, Applicants submit that Kokai and Wash, either alone or in combination, fail to disclose at least this claimed element. For at least these reasons, the rejection of claim 8 fails to establish *prima facie* obviousness and must be withdrawn.

Applicants request that the rejection be reconsidered and withdrawn.

New Claims

Claims 19-24 have been added. Claims 19 and 21 are dependent claims that recite a role of the controller of selecting a reproducing unit, e.g., LCD 20 or speaker 17, suitable for the type of data (based on the functions of controller shown in Fig. 4). Claims 20, and 22-24 are dependent claims that clarify that the encoded data is pictorially encoded data (e.g., as shown in Figs. 6 and 7).

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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